

MARYLAND DEPARTMENT OF THE ENVIRONMENT
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Martin O'Malley
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Deputy Secretary

March 11, 2009

The Honorable Maggie McIntosh, Chairperson
Members, House Environmental Matters Committee
House Office Building, Room 250
6 Bladen Street
Annapolis, MD 21403

Re: Letter of Concern, House Bill 1054: Environment - Permitting Process - Environmental Justice Review

Dear Delegate McIntosh and Committee Members:

HB 1054: Environment - Permitting Process - Environmental Justice Review would require the Department of the Environment to define environmentally stressed communities, develop maps that identify environmentally stressed communities in the State, and require environmental justice reviews to be submitted by applicants of permits subject to "contested case" provisions. These are essentially all major permits and under current state law, a party may legally challenge a proposed permit in these areas. They are: air emissions, landfills, incinerators, water discharge, sewage sludge storage, facilities to transport, store, or dispose of hazardous waste or low level nuclear waste.

I would like to commend Delegate Niemann for introducing this bill to address important issues related to planning, the permitting process, and environmental justice. Ensuring environmental justice regardless of race, national origin, age or income, to make sure that no segment of our population should bear disproportionately high and adverse effect of environmental pollution is critical. MDE is committed to promoting environmental justice.

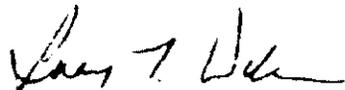
This is a complex issue that the Environmental Justice Commission, Department staff and others have been working on for many years. While many gains have been made, we all share frustration that there has not been a clearer answer or mechanism to assure that these issues are addressed in the permitting process.



The Department is committing to meet regularly with Delegate Niemann and the Commission to develop a proposal, legislative or otherwise, by January of 2010 so that we can meaningfully move this issue forward once and for all. Issues related to the current proposal, though, including the fiscal impact and effects on the permitting process, are too complex to address within the next two months.

Thank you for your consideration of these issues as you review HB 1054. Please contact me or Heather Barthel, Director of Legislation and Policy, at 410-260-6301 if you would like to discuss any of these issues further.

Sincerely,



Shari T. Wilson
Secretary

Cc: Scott Spencer, Chair, Commission on Environmental Justice and Sustainable Communities
Heather Barthel

